IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12055 of 2005

Between:

Venu Subhash, S/o.Venu Anjaiah,
R/o.12-102, P & T Colony, Dilshuknagar, Gaddiannaram Municipality, RR.District.

..... PETITIONER

AND

The Municipal Commissioner, Gaddiannaram Municipality, RR.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondents under impugned notice dt.19-04-2005 in file No.U.C.R.26/TPS-II/2005 as being illegal, arbitrary and Violation of Provisions of A.P Municipalities Act, 1965 and A.P Urban Development Act and Article 14 & 21 of Constitution of India and pass such other order or orders.

Counsel for the Petitioner:MR.V.RAGHUNATH

Counsel for the Respondent : MR.P.RADHAKRISHNA

The Court at the stage of admission made the following :

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ORDER:

Aggrieved by the impugned notice dated 19-04-2005 in file No.U.C.R.No.26/TPS-II/2005 issued by the Commissioner, Gaddiannaram Municipality, Ranga Reddy District, wherein he has directed to remove the unauthorized construction within a period of three days as the petitioner has not responded to the notice issued under section 228 (1) & (2) of A.P.Municipality Act,(in short 'the Act').

The learned counsel for the petitioner submits that the petitioner has not received any show cause notice and the respondent straight away issued a notice under Section 228 (3) of the Act .Immediately after receipt of this notice, the petitioner submitted an appeal to the Municipal Council on 28-4-2005. Therefore, pending consideration of the above said appeal, the respondent may be directed not to demolish the alleged unauthorized constructions made by the petitioner.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the admission stage.

The respondent is directed to consider the appeal filed by the petitioner on 28-04-2005 and pass appropriate orders in accordance with law after giving opportunity to the petitioner, within a period of six weeks from the date of receipt a copy of this order. Further the respondent is directed not to take any coercive steps to demolish the unauthorized construction straight away made by the petitioner.

The writ petition is, accordingly, disposed with the above direction. No order as to costs.

ELIPE DHARMA RAO,J

09-06-2005.

Stp

To

1) The Municipal Commissioner, Gaddiannaram Municipality, RR.District.

2) 2 CD copies

3) 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

*Form-NIC-OGS/WP{**TRR**}*